

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CREIGHTON TAKATA, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

RIOT BLOCKCHAIN, INC. F/K/A, BIOPTIX,
INC., JOHN O'ROURKE, JEFFREY G.
MCGONEGAL, BARRY HONIG,
CATHERINE DEFRANCESCO, MICHAEL
BEEGHLEY, JOHN STETSON, MARK
GROSSMAN, ANDREW KAPLAN, MIKE
DAI, JASON LES and ERIC SO,

Defendants.

Case No. 18-cv-2293 (FLW) (ZNQ)

Oral Argument Requested

**NOTICE OF DEFENDANT MARK
GROSSMAN'S MOTION TO DISMISS
PLAINTIFF'S CORRECTED
CONSOLIDATED AMENDED CLASS
ACTION COMPLAINT**

MOTION DATE: NOVEMBER 4, 2019

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Attorneys for Defendant
MARK GROSSMAN

PLEASE TAKE NOTICE that on November 4, 2019, or at such other date as may be set by the Court, Defendant Mark Groussman, by and through his undersigned attorneys, will move the Honorable Freda L. Wolfson, United States District Judge, and the Honorable Tonianne J. Bongiovanni, United States Magistrate Judge, Clarkson S. Fisher Building & Courthouse, 402 East State Street Room 2020, Trenton, NJ 08608, for an Order pursuant to Rules 9(b) and 12(b)(6) of

the Federal Rules of Civil Procedure, and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(b), dismissing without leave to amend Lead Plaintiff Dr. Stanley Golovac's Corrected Consolidated Amended Class Action Complaint in the above-captioned matter as to Defendant Mark Groussman.

PLEASE TAKE FURTHER NOTICE that the undersigned shall rely on this Notice of Motion, the accompanying Memorandum of Law, the accompanying Request for Judicial Notice, the accompanying Declaration of Kevin G. Walsh and the Exhibits attached thereto, and on such other written and oral argument as may be presented to the Court as well as all pleadings and proceedings had to date herein.

PLEASE TAKE FURTHER NOTICE that a proposed Order is submitted herewith.

Dated: September 30, 2019

GIBBONS P.C.

By: s/ Kevin G. Walsh
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